



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 21, 1994

Mr. Charles Karakashian, Jr.  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR94-815

Dear Mr. Karakashian:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 25723.

The Texas Department of Public Safety has received a request for internal instructional materials in the possession of the department relating to the use of confidential informants. You say that some of the requested information will be released but wish to withhold the remaining material, which you have submitted for our review, based on section 552.108 of the Government Code.

Section 552.108 provides that:

(a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from [required public disclosure].

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure].

Generally, when the law enforcement exception is claimed for internal records of a law enforcement agency, the agency claiming it must reasonably explain, if the

information does not supply the explanation on its face, how release would unduly interfere with law enforcement. Open Records Decision No. 531 (1989) at 2 (citing *Ex Parte Pruitt*, 551 S.W.2d 706 (Tex. 1977)). Whether information falls within section 552.108 must be determined on a case-by-case basis. Open Records Decision Nos. 434 (1986) at 2; 287 (1981) at 2.

We have reviewed the information you have submitted to us. We conclude that release of some of the material would unduly interfere with law enforcement and that you may therefore withhold it under section 552.108. *See, e.g.* Open Records Decision No. 531. We have marked the information that you may withhold; the remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Government Section

LRD/WW/rho

Ref.: ID# 25723

Enclosures: Marked documents

cc: Mr. Steven S. Bell  
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(w/o enclosures)